REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on March 6, 2007, and the references cited therewith.

Claims 20, 23 and 26 are amended; as a result, claims 20-27 are now pending in this application. No new matter has been added.

Objection to the Drawings

The drawings were objected to due to an informality, namely, FIG. 1 is lacking reference numeral "150" as referred to in the Specification. With this amendment, Applicant has amended FIG. 1 to include the reference numeral "150." No new matter is believed to be added. Accordingly, Applicant respectfully submits that the objection to the drawing may now be withdrawn upon reconsideration of the amendments made herein.

35 U.S.C. § 112 Rejection of the Claims

Claims 20-27 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully traverses this rejection.

In particular, the present Office Action states that there is no disclosure of "a subset of the sequence of the groupings written into the memory, the subset having fewer groupings of bits than the sequence of groupings of bits written into the memory" as recited in independent claims 20, 23 and 26.

With this amendment, Applicant has amended independent claims 20, 23 and 26 to further clarify their meaning. Applicant respectfully submits that the present amendments are not being made for reasons related to patentability and do not alter the scope of the present application, but rather are being made simply to facilitate advancement of the present application. As amended, independent claims 20, 23 and 26 now generally recite reading from the memory a subset of the sequence of the groupings **of bits** written into the memory, the subset having fewer groupings of bits than the sequence of groupings of bits written into the memory.

MPEP § 2163.02 entitled (Standard for Determining Compliance With the Written Description Requirement) states, *inter alia,*

> Whenever the issue arises, the fundamental factual inquiry is whether the specification conveys with <u>reasonable clarity</u> to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. See, e.g., *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991). (*Emphasis added.*)

Additionally, MPEP § 2163.02 also states, *inter alia*, that "[t]he subject matter of the claim **need not be described literally** (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement." *Id.* (*Emphasis added.*)

Applicant respectfully submits that the above limitation is fully supported by the originally filed application. In particular, paragraph [0011] of the published application teaches that,

> a <u>sequence of groupings of bits</u> from a data stream are received and written from data bus 185 into memory 110. In this particular embodiment, the groupings have a predetermined size...
> As illustrated in FIG. 1, the read and write pointers of FIFO 110 may be employed to effectively <u>skip or extract received groupings of bits</u> from the data stream that has been stored in the FIFO. For example, once a grouping of binary digital signals, for example, a byte, has been written to FIFO 110, read pointer 105 may skip that grouping so that it is not read from FIFO 110 and applied to MUX 120...
> As previously described, <u>selected groupings of bits</u> from the data stream, stored in the FIFO, are read from the FIFO or applied to MUX 120. As illustrated in FIG. 1, in this particular embodiment, this operation is performed a grouping at a time. Therefore, a grouping-of binary digital signals, such as a byte, is applied to MUX 120, all the bits being applied to input ports of the MUX substantially simultaneously. (*Emphasis added.*)

As may now be clear, the present application clearly describes receiving and writing into memory a sequence of groupings of bits from a data stream. Based on the sequence of grouping of bits, the present application also teaches that a subset (e.g., the "selected groupings of bits" as disclosed above) of the sequence of groupings of bits may be read and applied to the first multiplexer (MUX). Applicant further submits that the specification reasonably conveys the subject matter being claimed since the present Office Action on the top of page 3 appears to accurately describe one embodiment of the operation of FIG. 1. (*See page 3 of the present Office Action, "From figure [1], it looks like MUX 2, 140 (a second MUX) is receiving <u>the subset applied to the first MUX (MUX 1, 120).</u>"*)

Accordingly, Applicant submits that while the phrase, "a subset of the sequence of the groupings of bits," is not recited *in haec verba* within the specification, this phrase is clearly supported by the originally filed specification since the specification clearly conveys with reasonable clarity to those skilled in the art that Applicant was in possession of the invention as claimed.

The present Office Action also requests clarification of the phrase "selectively applying to a third MUX the subset applied to the first MUX and the another data stream applied to the second MUX." In particular, it appears that the numbering of the MUXes between the claims and FIG. 1 is causing confusion.

Again, Applicant notes that "the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed." Applicant respectfully submits that the terminology/numbering of the multiplexers shown in FIG. 1 is simply for illustrative purposes only. In fact, Applicant notes that only paragraph [0014] of the Detailed Description of the present application references the multiplexers as the first MUX, second MUX, or third MUX. The remaining paragraphs of the Detailed Description of the present application simply refer to the MUXes by their respective reference numeral. Moreover, FIG. 1 references these MUXes by MUX 1 120, MUX 2 140, and MUX 3 130. Applicant respectfully asserts that one of ordinary skill in the art would readily understand the claimed language in view of the specification as a whole and would understand that the terms "first MUX, second MUX, or third MUX" is simply being used for illustrative purposes.

Nevertheless, Applicant has amended independent claims 20, 23 and 26 to switch the second and third MUX as originally recited independent claims 20, 23 and 26 to facilitate advancement of the present application. Again, Applicants submit that the present amendments are not being made for reasons related to patentability and do not alter the scope of the present application, but rather are being made simply to facilitate advancement of the present application.

In light of the above, Applicant respectfully submits that the rejection of claims 20-27 under 35 U.S.C. § 112, first paragraph, may now be withdrawn upon reconsideration. Such action is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (603-668-6560) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-2121.

Respectfully submitted,

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